

REMARKS

Applicant thanks the Examiner for the consideration given the present application. Claims 1-41, 43 and 45-47 are currently pending. Claims 1, 3, 13, 14, 29, 39-41 and 43 have been amended through this reply. Claims 1-3, 13, 14, 29, 39-41 and 43 are independent. Applicant respectfully requests reconsideration of the rejected claims in light of the amendments and remarks presented herein and earnestly seek timely allowance of all pending claims.

Amendment

Applicant respectfully submits that claims 1,3, 13, 14, 29, 39-41 and 43 do not add any new matter to the application and do not raise any new issues.

Claims Define Patentable Subject Matter

The Office Action rejects claims 1-10, 13-19, 21-23, 26, 30-33, 35, 39-41, 43 and 45-47 under 35 U.S.C. § 102(e) over U.S. Patent Publication No. 2002/01466125 to Eskicioglu et al. (Eskicioglu); and rejects claims 11, 12, 20, 24, 25, 27, 28, 34 and 36-38 under 35 U.S.C. § 103(a) over Eskicioglu and further in view of U.S. Patent No. 7,224,797 to Freeman et al. (Freeman). These rejections are respectfully traversed.

Independent claim 1 recites, *inter alia*, “the AV data transmitter selects an other single one of the receiver key signals instead of present single one of the receiver key signals according to an other single AV data receiver.” Independent claim 3 recites, *inter alia*, “the transmission/reception unit receives a changeover request signal for requesting the data communication key signal be changed over to an other one of the receiver key signals instead of present single one of the receiver key signals according to an other one of the AV data receivers from previous one AV data receiver. Independent claim 13 recites, *inter alia*, “the AV data receiver transmits a changeover request signal for requesting that a key signal be changed over to the receiver key signal of the AV data receiver as a data communication key signal for encrypting the AV data instead of present receiver key signal of a different AV data receiver.”

Independent claims 39 and 43 recite similar subject matter. Independent claim 14 recites, *inter alia*, “the data generation unit generates a changeover request signal for requesting that a key signal be changed over to the receiver key signal of the AV data receiver as a data communication key signal for encrypting the AV data instead of present receiver key signal of a different AV data receiver.”

Independent claim 29 recites, *inter alia*, “an AV data transmitter which includes a plurality of receiver key signals with each of which AV data includes a voice and a picture is encrypted and each of which is set for an other single one of a plurality of AV data receivers permitted to communicate with the AV data transmitter, which selects one of the receiver key signals according to the other single one of the AV data receivers to which the AV data transmitter is to transmit the AV data from among the plurality of receiver key signals as a data communication key signal instead of present single one of a plurality of AV data receivers.”

Independent claim 40 recites, *inter alia*, “an AV data receiver storing an encryption key for decrypting AV data and including a changeover request transmitter for sending a changeover request signal requesting that an AV transmitter adapted to send data encrypted with a present one of a plurality of encryption keys send data encrypted with an other stored encryption key.” Independent claim 41 recites similar subject matter. The applied references fail to teach or suggest recited features of independent claims 1, 3, 13, 14, 29, 39-41 and 43.

The passage of Eskicioglu relied on by the Office Action for disclosing the selected receiver key signal recites that the message is decrypted by the smart card using the private key where the appropriate information is stored in the smart card for each event purchased. See paragraph [0013] of Eskicioglu. Furthermore, the service provider sends the transmission stream encrypted by the public key. However, this transmission stream does not switch from one smart card to another smart card. At best, the service provider transmits various events without changing the smart card. See Abstract of Eskicioglu. The present invention recites an AV data transmitter that selects another receiver key signal instead of the present receiver key signal. In other words, Eskicioglu fails to teach or suggest an AV data transmitter that selects an other single one of the receiver key signals instead of the present single one of the receiver key signals according to an other single AV data receiver. Freeman fails to cure the deficiencies of

Eskicioglu. Accordingly, the applied references, alone or in combination fail to teach or suggest recited features of independent claims 1, 3, 13, 14, 29, 39-41 and 43.

For at least the reasons stated above, independent claims 1, 3, 13, 14, 29, 39-41 and 43 are patentable over the applied references. The dependent claims are at least allowable by virtue of their dependence on corresponding allowable independent claims 1, 3, 13, 14, 29, 39-41 and 43 respectively.

Accordingly, it is respectfully requested to withdraw the rejections of the pending claims based on the applied references.

CONCLUSION

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the examiner is respectfully requested to contact Obert H. Chu, Reg. No. 52,744, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

Dated: February 19, 2008

Respectfully submitted,

By 

Charles Gorenstein

Registration No.: 29,271

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant